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November 9, 2021

VIA ECF

Hon. John P. Coran
United States District Judge
Southern District of New York
500 Pearl Street, Room 1320
New York, NY 10007

Re: *Zucaro et al v. Venable*, Case No. 1:21-cv-08775-JPC:
Letter Motion to Maintain Certain Initial Case Documents in Redacted Form and Under Seal

Dear Judge Coran:

We represent Plaintiffs in the above-referenced action and file this letter motion to maintain certain initial case documents in redacted form and under seal.

On October 22, 2021, the Honorable Judge Analisa Torres issued an Order authorizing the filing of a redacted complaint and redaction of an agreement attached as an Exhibit C to the complaint. ECF Dkt No. 1 (the “Redaction Order”). Judge Torres ordered that “The Complaint shall remain under seal only until November 10, 2021 unless any party applies to keep the seal in place for good reason shown, the documents will be automatically unsealed by the Clerk of Court.” *Id.* On October 27, the initial case documents were filed in accordance with applicable rules and procedures. By this letter, we make the required application and request that the Redaction Order remain in place.

What requires redaction specifically is (1) Exhibit C to Plaintiffs’ complaint, which is an agreement that Plaintiffs and Defendant, as well as certain third parties who will not be parties to this litigation, agreed would be kept confidential; and (2) references to that agreement in the complaint. The sealing and redacting is limited in nature and would protect the interest of all the parties to that agreement, and in particular, the third parties that will not be parties to the litigation.

While there is a presumption of allowing access to judicial documents filed in an action, it must be determined by the role of the material at issue in the case and the value of the information to those monitoring the proceeding the federal courts. *LUGOSCH III v. Pyramid Co. of Onondaga*, 435 F. 3d 110, 119 (2d Cir. 2006). Additionally, allowing access must be balanced by the competing considerations against it, which include “the privacy interests of those resisting disclosure.” *United States v. Amodeo*, 71 F.3d 1044, 1049 (2d Cir.1995).

Here, in a nine page, forty-nine paragraph complaint, only approximately 15 lines and a short table are redacted, along with one out of three exhibits. Moreover, the “Record of Proceedings and Final Interim Decision” that concluded an American Arbitration Association litigation that lies at the heart of this action is attached and available as Exhibit B to the complaint. Plaintiffs maintain that their request for redaction is limited in scope and narrowly tailored to protect the private interests, especially those who are not parties to this action.

We are mindful of Your Honor’s direction to the party seeking leave to file a document under seal or in redacted form to meet and confer with all other parties in the case. However, at this time we have not yet successfully served Defendant and are not aware of whether he is represented by counsel. Upon completion of service and learning of how Defendant plans to proceed in this action, we will certainly confer with Defendant or his counsel as to how to address the redaction issue going forward. In the interim, we respectfully request that the Redaction Order stay in place to protect the privacy of the parties to the Agreement, especially those non-parties to this action.

Wherefore, Plaintiffs respectfully request that the unredacted complaint and Exhibit C remain under seal, and for such other and further relief that is just and proper.

Respectfully submitted,

GULKOWITZ BERGER LLP

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*Motion for Admission Pro Hac Vice Forthcoming

Plaintiffs' request is granted. Exhibit C to Plaintiffs' complaint shall remain under seal and references to Exhibit C in the complaint shall remain redacted.

Attorneys for Plaintiffs

SO ORDERED.

Date: November 9, 2021
New York, New York



JOHN P. CRONAN
United States District Judge